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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/935,116	09/22/1997	DAVID W. DEATON	DEATON-18-USC1	8230
31518	7590	09/10/2008		
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 09/10/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Richard A. Neifeld  
NEIFELD IP LAW, PC  
4813-B Eisenhower Avenue  
Alexandria, VA 22304

In re Application of	:	
David W. Deaton et al	:	DECISION ON PETITION
Application No. 08/935,116	:	REGARDING RESTRICTION
Filed: September 22, 1997	:	REQUIREMENT
Attorney Docket No.: DEATON-18-USC1	:	
For: SYSTEM, METHOD, AND DATABASE	:	
FOR PROCESSING TRANSACTIONS	:	

Applicants' petition filed on April 28, 2006 requests withdrawal of the election requirement as set forth in the Office action mailed March 13, 2005 and thereafter made final in the Office action mailed October 17, 2005. Applicants further request an examination on the merits of all pending claims.


The petition is **GRANTED**.

A review of the record reveals that the Office action mailed March 13, 2005 set forth an election requirement requiring a provisional election between two subcombinations identified as (1) Claims 8-16, and (2) Claims 17-76. Applicants elected the subcombination of Claims 8-16 with traverse in the response filed May 18, 2005. The examiner, upon reconsideration, adhered to the election requirement and made the election requirement final. This petition was then timely filed.

Applicants' petition alleges that the election requirement is improper because there would be no burden on the examiner to search for prior art teaching of storing customer dollar amount. After reviewing the two groups, it has been found that both groups receive the identification of the customer, access data pertaining to the customer in a prior shopping history database, and provide at a POS terminal information derived from the data in the prior shopping history database. The only difference between the two groups is that the second group specifically identifies the retrieved information as being the dollar amount of a previous purchase, while the first group does not specify the specific type of information being retrieved from the database. However, since a database of prior purchases would implicitly include the dollar amount of the purchases, it is not deemed to be a significant burden on the examiner to examine the second group. This is apparent in that there is no reason why such a narrowing of the claimed retrieved information to the dollar amount could not have been entered as a dependent feature in the first group.

For the foregoing reasons, the examiner's provisional election requirement is improper.

The Examiner's Answer mailed December 12, 2006 is hereby vacated. The application is being forwarded to the examiner for consideration of claims 17-76. An appropriate Office response will follow in due course.

  
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Wynn Coggins, Director  
Technology Center 3600  
(571) 272-5350

JWM: 7/8/08

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